Remarks

With the present amendments to the claims, claim 22 and the withdrawn claims have been canceled.

This application now contains only one independent claim, claim 14. Claim 14 defines a cushioning conversion machine having a connecting assembly with a pair of rotating feed members, a first one of which is mounted in a carrier. The carrier is pivotally mounted to a frame for movement between an operative position and an inoperative position. In the operative position, a biasing member disposed between the frame and the carrier exerts a biasing force against the carrier to bias the first rotating feed member towards the second rotating feed member. A locking device, in the locked position, resiliently holds the carrier in its operative position. With the locking device in an unlocked position, the carrier can be pivoted from its operative position to its inoperative position to move the first rotating feed member away from the second rotating feed member.

Claim 14 and the claims that depend from it, claims 15-21, stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,873,809 ("Kempster") in view of U.S. Patent No. 3,089,695 ("Brooks").

Kempster discloses a pair of meshing gear wheels 24 that rotate and feed stock material through a conversion assembly. Although not shown in the drawings, Kempster says that the gear wheels are spring biased towards each other (Kempster, col. 3, lines 34-35). Presumably the springs allow the gear wheels to move to allow the stock material to pass while remaining sufficiently engaged to feed the stock material therebetween. Kempster does not disclose how the biased gear wheels are mounted, and thus does not disclose the pivotally mounted carrier set forth in the claims. Kempster also does not disclose the claimed locking device.

While the Examiner acknowledges that Kempster alone does not teach or suggest the claimed invention, he has taken the position that Brooks teaches the claimed carrier and locking device, and that it would have been obvious to one of ordinary skill in the art to mount rotating members in the way taught by Brooks in Kempster's device "in order to provide biasing toward one another." (Paper No. 12, p. 2.)

A person of ordinary skill in Kempster's dunnage conversion art would not make the proposed combination, however, because Brooks teaches away from spring biasing for reasons that do not apply to Kempster's conversion machine. And even if the teachings of these references were combined, a person of ordinary skill in the art would not arrive at the claimed invention because neither Kempster nor Brooks disclose the claimed locking device.

Brooks discloses a paper-folding machine that uses a single hydraulic system to bias a series of pivotally-mounted rollers against one another. Brooks describes prior spring-biased configurations for the series of folding machine rollers as having a number of problems that are solved by the hydraulic system. Those problems do not apply to a dunnage conversion machine, such as the type disclosed Kempster, however. Therefore, a person of ordinary skill in the art would not modify Kempster based on the teachings of Brooks. In fact, Brooks would suggest doing something different because Brooks substitutes a hydraulic system for prior spring biased systems.

For example, while Brooks states that uniform pressure across the length of each roll is important for successful operation of a folding machine (see, for example, Brooks, col. 1, lines 23-40), there is no reason to believe that uniform pressure across the length of Kempster's meshing gear wheels 24 is necessary. Another problem with spring-biased folding machine rollers, according to Brooks, is that spring properties change as the springs heat up from near-continuous operation of a folding machine, and it is difficult to keep the many springs properly adjusted to maintain the desired uniform pressure. (For a discussion of these and other problems see, e.g., Brooks, col. 1, line 41 through col. 2, line 16.) Because Kempster only biases two gears toward each other, however, presumably there would not be many springs to adjust, even if the conversion machine was operated sufficiently continuously to generate enough heat to affect the adjustment of the springs. Thus, because (a) Kempster describes biasing the gear wheels with springs, (b) Brooks teaches away from spring biasing, and (c) no reason has been found in Brooks for substituting hydraulics for the springs in Kempster's conversion machine, a person of ordinary skill in the art would not make the proposed combination.

The undersigned further submits that Brooks does not overcome Kempster's lack of the claimed locking device. Therefore, even if a person of ordinary skill in the art combined the teachings of Kempster and Brooks, he would not arrive at the claimed

invention. Brooks does not disclose the claimed releasable locking device which, in a locked position, resiliently holds the carrier in its operative position thereby to bias the first rotating feed member towards the second rotating feed member, and in an unlocked position allows the carrier to be pivoted from its operative position to its inoperative position to move the first rotating feed member away from the second rotating feed member.

The Examiner also has taken the position that Brooks teaches a "rotating feed member 1 in carriers 23 (figure 3) pivotally mounted on pivots biased by springs 68. The releasable locking device is in the form of a hydraulic cylinder 40. When the device is in its locked position the cylinder [40] forces the cylinder [roller 1] towards roller 2 and when released allows for pivoting away." (Paper No. 12, p. 2.)

Contrary to the position taken by the Examiner, however, Brooks's hydraulic system does not provide the claimed locking device. While the amount of pressure is adjustable, no teaching or suggestion has been found for moving any of the rollers to an inoperative position. The only way to remove the biasing force would be to remove or deactivate the hydraulic system. The hydraulic system is central to Brooks' invention, however. Thus, a person of ordinary skill in the art, viewing the teachings of Brooks as a whole, would not consider Brooks's hydraulic system to be a locking device as defined in the claims.

Furthermore, while Brooks's linkage 68 does include a spring, the spring partially *cancels* the biasing force of the hydraulic system and thus is not a biasing member as defined in the claims. The linkage allows for gear thrust compensation between ends of a roller and does not need to include a spring. (See Brooks, col. 6, lines 34-47.) The hydraulic system provides the biasing force, not the spring. Consequently, a person of ordinary skill in the art would not be motivated by Brooks to modify Kempster in the proposed manner.

Because both Kempster and Brooks fail to teach or suggest the claimed locking device, one which in an unlocked position allows the carrier to be pivoted from its operative position to its inoperative position to move the first rotating feed member away from the second rotating feed member, combining the teachings of Kempster and Brooks would not achieve the claimed invention. Withdrawal of the rejection is requested.

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In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

Respectfully submitted,

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